

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on December 19, 2006 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Alliance.

The following members of the Council answered roll call in person: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Sewer Department Superintendent Rick Pinnell, Assistant Fire Chief Andy Adair, Police Chief Larry Metzelaars, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

CONSENT AGENDA:

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the regular meeting December 5, 2006; Fire, Police, and Financial reports for the month of November; payroll, bills for the first half of December; and HOME Rehab Expenditures.

Bills and Payroll for the first half of December, 2006

General Fund

Payroll		\$	248,844.90
Bills		\$	327,379.84
	Total	\$	576,224.74

Hotel Tax Fund

Payroll		\$	2,026.54
Bills		\$	1,932.54
	Total	\$	3,959.08

Festival Management Fund

Bills		\$	2,813.85
	Total	\$	2,813.85

Midtown TIF Fund

Bills		\$	1,642.51
	Total	\$	1,642.51

Capital Project Fund

Bills		\$	1,600.59
	Total	\$	1,600.59

Water Fund

Payroll		\$	23,409.44
Bills		\$	26,885.71
	Total	\$	50,295.15

Sewer Fund

Payroll		\$	23,101.37
Bills		\$	386,256.45
		\$	409,357.82

Cemetery Fund

Payroll		\$	3,037.18
Bills		\$	<u>301.48</u>
	Total	\$	3,338.66
<u>Health Insurance</u>			
Bills		\$	<u>103,540.28</u>
	Total	\$	103,540.28

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Mayor White opened the floor for public discussion. There was no public discussion.

NEW BUSINESS

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2006-690, promoting Sergeant Carl Oakley to the rank of Lieutenant in the Mattoon Police Department effective December 25, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2006-691, promoting Officer J. D. McCain, Jr. to the rank of Sergeant in the Mattoon Police Department effective December 25, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2006-692, approving an annual salary of \$60,000 for Rick Pinnell, the Wastewater Treatment Plant Superintendent.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2006-693, ratifying the Mayor's appointment of Tim Spitz to the Library Board for the unexpired term of Robert Swift expiring 06/30/2009.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to approve Council Decision Request 2006-694, ratifying the Mayor's re-appointments of Jeremy Dougherty and Dan Lawrence to the Public Works Advisory Board with terms ending December 31, 2008.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin,

YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner McKenzie moved to approve Council Decision Request 2006-695, approving a \$4,000 grant from Hotel/Motel Tax receipts to the Mattoon Wrestling Club to host the Mattoon Kids Open on January 7th, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Cline moved to approve Council Decision Request 2006-696, approving a grant not to exceed \$14,220.00 from Hotel and Motel Taxes recommended by the Tourism Committee to the Mattoon American Legion for the 2007 American Legion State Tourney, and approving an additional \$1,000.00 for advertising the event.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2006-697, awarding the bid for the Fire Department turnout gear to MES-Global Fire equipment in the amount of \$54,910.00. USFA/FEMA Assistance to Firefighters Grant program has awarded the City \$50,540.00. The City is responsible for the balance.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adopt Resolution 2006-2678, authorizing the Police Chief to file an application on behalf of the City of Mattoon, Illinois, with the Cy Pres Committee for a grant for Equipment for Mattoon Police Dept.'s Dispatch/Telecommunications Division.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2006-2678

Project Title: Grant Funding for Equipment for
Mattoon Police Dept.'s Dispatch/Telecommunications Division

RESOLUTION AUTHORIZING APPLICATION FOR A GRANT UNDER THE INFRASTRUCTURE MAINTENANCE FEE LITIGATION CY PRES COMMITTEE'S GENERAL AUTHORITY TO MAKE SUCH GRANTS.

WHEREAS, in 1997, the State of Illinois enacted the Telecommunications Infrastructure Maintenance Fee (IMF) Act, which authorized the imposition of a fee of 1% of the gross charges on wireless retailers. Municipalities throughout the state imposed the IMF on telecommunications bills from January 1, 1998, through February 7, 2002; and

WHEREAS, in 1998, a lawsuit was filed challenging the fee, which the Court ruled unconstitutional and, upon appeal, the Illinois Supreme Court affirmed the unconstitutionality of the Municipal IMF only as it applied to wireless retailers; and

WHEREAS, in 2000, municipalities that imposed the IMF were joined as defendants in a class action lawsuit that asserted the unconstitutionality of the Infrastructure Maintenance Fee and sought refunds of the IMF; and

WHEREAS, as of October 18, 2005, a settlement was approved that required defendant class members to pay into the settlement fund 70% of the amounts collected through the Municipal IMF for wireless telecommunications services; and

WHEREAS, the Court will distribute the settlement fund in accordance with Cy Pres principles, or for its "next best" use. The settlement fund will be distributed as follows:

60% (sixty percent) for municipal emergency 9-1-1 telecommunications programs located anywhere within the State of Illinois; and

40% (forty percent) for medical facilities providing emergency care to indigent patients located in areas outside the six-county northeastern Illinois region; and

WHEREAS, the Court has established a three person committee (Cy Pres Committee) to make recommendations as to how the Cy Pres grants will be distributed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS,

Section 1. That the City Council of the City of Mattoon, Illinois, hereby requests use of the telecommunications infrastructure maintenance fee Cy Pres funds for the purposes described in this application.

Section 2. That the Chief of Police is authorized to file an application on behalf of the City of Mattoon, Illinois, with the Cy Pres Committee for a grant for Equipment for Mattoon Police Dept.'s Dispatch/Telecommunications Division.

Section 3. That the funds applied for will be expended consistent with the recitals in the application.

Section 4. That the Chief of Police is authorized to furnish such additional information, assurances, certifications and amendments as the Cy Pres Committee may require in connection with this grant application.

Section 5. That the Chief of Police is authorized and directed on behalf of the City of Mattoon, Illinois, to execute and deliver a grant application and all subsequent amendments thereto between the City of Mattoon, Illinois, and the Cy Pres Committee and the City Clerk of the City of Mattoon, Illinois, is authorized and directed on behalf of the City of Mattoon, Illinois, to attest said applications and all subsequent amendments thereto.

Section 6. That the Chief of Police is authorized and directed to take such action as is necessary or appropriate to implement, administer and enforce said applications and all subsequent amendments thereto on behalf of the City of Mattoon, Illinois.

Section 7. That the City of Mattoon, Illinois, will provide the Cy Pres Committee with a certification of a certified public accountant certifying that the grant funds were expended in conformity with the formal application of the use of the funds to ensure compliance with the grant program. Certification will be provided within 90 days of a request by the Cy Pres Committee.

PRESENTED this 19th day of December, 2006.

PASSED this 19th day of December, 2006.

APPROVED this 19th day of December, 2006.

CITY OF MATTOON, ILLINOIS, Applicant

Signed: /s/ Charles E. White
Mayor

Attest: /s/ Susan J. O'Brien
City Clerk

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to approve Council Decision Request 2006-698, approving the specifications for a complete squad car video system for the Mattoon Police Department paid for by Omega funds, which will outfit nine patrol cars.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2006-1187, levying taxes for all corporate purposes for the fiscal year beginning May 1, 2006 and ending April 30, 2007.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1187

AN ORDINANCE LEVYING TAXES FOR ALL CORPORATE PURPOSES FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2006 AND ENDING APRIL 30, 2007

BE IT ORDAINED by the Mayor and City Council of the City of Mattoon, Coles County, Illinois:

Section 1. Assumed Equalized Assessed Valuation. The corporate authorities have assumed the Equalized Assessed Valuation (EAV) of property within the municipality will increase from \$171,621,770 to \$175,054,205, two (2%) percent over the previous fiscal year.

Section 2. Tax Levy. The amount hereinafter set forth, or so much thereof as may be authorized by law, and the same are hereby levied upon all property subject to taxation within the municipality as that property is assessed and equalized for the current year, to defray expenses and liabilities for the City of Mattoon, Coles County, Illinois, for the fiscal year beginning May 1, 2006 and ending April 30, 2007. The total property tax levy extension is attached hereto and marked as "Exhibit A" and incorporated herein by reference.

Section 3. Maximum Rates for Certain Services. If the equalized assessed value of the municipality ends up lower or higher than the value anticipated by this ordinance, the Coles County Clerk is petitioned to levy the maximum property tax rate authorized by law for General Corporate, Police Protection, Fire Protection and Library purposes.

Section 4. Tax Abatement for General Obligation Bonds. Since alternative revenue sources will be sufficient to pay debt service on the City of Mattoon's General Obligation Bonds, the 2006 tax levy (to be received in 2007) is hereby abated for the following General Obligation Bonds:

<u>Issue</u>	<u>Tax Levy Years</u>	<u>Bond Ordinance Number</u>
Series 2003 Water Refunding Bonds	2004 thru 2015	Special Ordinance 2003-928
Series 2003 Library Refunding Bonds	2004 thru 2013	Special Ordinance 2003-936
Series 2003A Pension Obligation Bonds	2004 thru 2013	Special Ordinance 2003-938
Series 2005A Sewer Refunding Bonds	2006 thru 2018	Special Ordinance 2004-1050
Series 2005B Police Refunding Bonds	2006 thru 2019	Special Ordinance 2004-1050

The levy for paying principal and interest on these bonds shall only be abated for the 2006 tax levy. In all other respects, the ordinances that authorized the foregoing bonds shall continue in effect according to the express terms thereof.

Section 5. Amount to be Raised by Tax Levy. The amount to be levied for each purpose is placed in a separate column under the heading "Amount to Raised by Tax Levy", which appears over same being as follows, to wit:

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
General Fund			
General Government	811,605	373,969	437,636
Public Safety	8,621,331	8,096,169	525,162
Public Works	1,886,910	1,886,910	-0-
Health & Welfare	559,630	559,630	-0-
Culture & Recreation	810,628	685,628	125,000
Economic Development	245,000	245,000	-0-
Debt Service	650,735	650,735	-0-
Other Financing Uses	<u>1,167,975</u>	<u>1,167,975</u>	<u>-0-</u>
Total General Fund	\$ 14,753,814	\$ 13,666,016	\$ 1,087,798

Statutory Authority:

General Corporate Tax (65 ILCS 5/8-3-1): 0.25 Limit	437,636
Fire Protection (65 ILCS 5/11-7-1): 0.15 Limit	262,581
Police Protection (65 ILCS 5/11-1-3): 0.15 Limit	262,581
Parks (65 ILCS 5/11-98-1): 0.075 Limit	<u>125,000</u>
	\$ 1,087,798

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
Other Governmental Funds:			
Library Fund	\$ 523,200	\$ 120,575	\$ 402,625
Motor Fuel Tax Fund	1,048,500	1,048,500	-0-
Hotel & Motel Tax Fund	249,309	249,309	-0-
Festival Management Fund	166,500	166,500	-0-

Insurance & Tort Judgment Fund:	897,617	897,617	-0-
Home Rehabilitation Grant Fund	210,000	210,000	-0-
Revolving Loan Fund	204,000	204,000	-0-
Midtown TIF Fund	42,350	42,350	-0-
Capital Improvement Fund	<u>3,311,000</u>	<u>3,311,000</u>	<u>-0-</u>
Total Other Governmental Funds	\$ 6,652,476	\$ 6,249,851	\$ 402,625

Statutory Authority:

Library (75 ILCS 5/3-1, 5/3-4, 5/3-7) 0.23 Limit	\$ 402,625
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Enterprise Funds:

Water Fund	\$ 4,634,042	\$ 4,634,042	-0-
Sewer Fund	4,885,409	4,885,409	-0-
Cemetery Fund	<u>173,388</u>	<u>173,388</u>	<u>-0-</u>
Total Enterprise Funds	\$ 9,692,839	\$ 9,692,839	-0-

	Amount To Be	Amount To
	Received from	Be Raised By
	<u>Other Sources</u>	<u>Tax Levy</u>

Pension Levies:

Firemen's Pension (40 ILCS 5/4-118) No Limit	\$ 892,249
Policemen's Pension (40 ILCS 5/3-125) No Limit	<u>778,439</u>
	\$ 1,670,688

All Fund Totals	\$ 31,099,129	\$ 29,608,706	\$ 3,161,111
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Section 6. The City Clerk shall make and file with the Clerk of Coles County, on or before the last Tuesday in December, a duly certified copy of this ordinance.

Section 7. If any section, subdivision or sentence of this ordinance shall for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining part of this ordinance.

Section 8. This ordinance shall be in full force and effect after its adoption, as provided by law.

Upon motion by Commissioner Cline, seconded by Commissioner Ervin, adopted this 19th day of December, 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u> <u>Commissioner McKenzie, Commissioner Schilling,</u> <u>Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 19th day of December, 2006.

	<u>/s/ Charles E. White</u> Charles E.	Mayor
White,	City of	
Mattoon,		Coles
County,		Illinois

ATTEST: APPROVED AS TO FORM

<u>/s/ Susan J. O'Brien</u> Susan J. O'Brien, City Clerk	<u>/s/ J. Preston Owen</u> J. Preston Owen, City Attorney
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Recorded in the Municipality's Records on December 20th, 2006.

CITY OF MATTOON, ILLINOIS

CERTIFICATION OF TAX LEVY ORDINANCE

The undersigned, duly qualified and appointed Clerk of the City of Mattoon, Coles County, Illinois, does hereby certify that the attached hereto is a true and correct copy of the Tax Levy Ordinance of said City for the fiscal year beginning May 1, 2006 and ending April 30, 2007, as adopted on December 19, 2006.

This certification is made and filed pursuant to the requirements of § 65 ILCS 5/8-3-1 and on behalf of the City of Mattoon, Coles County, Illinois. This certification must be filed by the last Tuesday in December.

Dated this 20th day of December, 2006.

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

TRUTH IN TAXATION CERTIFICATE OF COMPLIANCE

I, the undersigned, hereby certify that I am the presiding officer of the City of Mattoon, Coles County, Illinois, and as such presiding officer, I certify that the Tax Levy Ordinance, a copy of which is attached, was adopted pursuant to, and in all respects in compliance with the provisions of 35 ILCS 200/18-75 to 18-85 of the "Illinois Truth in Taxation Law".

The notice and hearing requirements of 35 ILCS 200/18-80 of the Act are inapplicable. The notice requirement of 35 ILCS 200/18-85 is inapplicable. This certificate applies to the 2006 tax levy.

Dated this 20th day of December, 2006.

/s/ Charles E. White
Charles E. White, Mayor

Filed this 20th day of December, 2006.

/s/ Sue Rennels
Sue Rennels, Coles County Clerk

City Attorney/Treasurer Owen commented with a two percent total change, since the final equalized assessed value (EAV) would not be determined until May or June. City Attorney/Treasurer Owen stated the levy was set with a 3.4% increase under PTELL (Property Tax Limitation Law), and cited an example. Overall, there would be a \$148,000 increase with \$65,000 to the General Fund, \$63,000 to the Fire and Police Pension Funds, and \$20,000 to the Library Fund.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to recess to closed session at 7:12 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the price for sale or lease of property (5 ILCS 120(2)(c)(6)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); and litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)).

Mayor White opened the floor for questions. Mr. Herb Meeker of the Mattoon Journal Gazette asked if there would be any action taken after the closed session. Mayor White stated there would be no action taken after closed session.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

Council reconvened at 7:25 p.m.

Mayor White seconded by Commissioner Schilling moved to adjourn at 7:25 p.m.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk